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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 DANIEL NIX,

12 Defendants.

CASE NO. CR17-105RSL

ORDER ON REVIEW OF MOTION
FOR RECUSAL

13 On June 18, 2018, Defendant Daniel Nix filed a Motion seeking recusal of the Honorable
14 Robert S. Lasnik in this matter. Dkt. #87. On June 22, 2018, Judge Lasnik issued an Order
15 declining to recuse himself and, in accordance with this Court's Local Rules, referred that
16 decision to the Chief Judge for review. Dkt. #90; LCR 3(e).

17 A judge of the United States shall disqualify himself in any proceeding in which his
18 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall
19 disqualify themselves in circumstances where they have a personal bias or prejudice concerning
20 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28
21 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a
22 district court makes and files a timely and sufficient affidavit that the judge before whom the
23 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
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1 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
2 such proceeding.” “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United*
3 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
4 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
5 extrajudicial source.”).

6 Mr. Nix essentially argues Judge Lasnik cannot be impartial because of prior adverse
7 rulings. *See* Dkt. #87. For example, Mr. Nix argues that “Judge Lasnik has made Daniel’s
8 ability to mount a proper defense a complete impossibility by issuing a directed protective order
9 creating a limitation to the availability of discovery material...” *Id.* at 3. Such arguments are not
10 sufficient cause for recusal. *See Studley, supra.* Mr. Nix accuses Judge Lasnik of
11 predetermining certain issues in this case, but relies solely on his own speculation. *See id.* at 4–
12 5. In any event, Judge Lasnik’s statements do not create an appearance of impartiality and Mr.
13 Nix cites to no extrajudicial source for this alleged predetermination of issues. Mr. Nix’s
14 remaining arguments are factually unsupported or legally baseless. Mr. Nix presents nothing to
15 reasonably question Judge Lasnik’s impartiality.

16 Accordingly, the Court hereby finds and ORDERS that Judge Lasnik’s refusal to recuse
17 himself from this matter is AFFIRMED.

18 DATED this 29 day of June, 2018.

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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